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08/579,072	12/22/95	WYSZYNSKI	A 47681-P037US

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EXAMINER

MAUNG, N

ART UNIT

PAPER NUMBER

2744

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/579,072

Applicant(s)
Wyszynski

Examiner
Nay Maung

Group Art Unit
2744



☒ Responsive to communication(s) filed on Dec 11, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Umezawa et al (Umezawa).

Consider claims 1 and 7. Yamamoto discloses (fig. 1) a method and apparatus for processing a signal in a telephone equipment having:

means for accepting a signal (item 14);

means (16) for detecting the amplitude of accepted signals and for amplifying the accepted signals to a specific level; and

means (17) for accepting the specific level amplified signals and for processing the amplified signals to reduce all but the intermediate frequency (IF) present in the signals while amplifying the IF to a certain fixed value for presentation to an output of the circuit (col. 4, lines 1-20).

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Yamamoto differs from the present invention in that Yamamoto does not explicitly show accepting a signal is a video signal. However, the claimed limitations is very well-known in the signal processing art as evidenced by Umezawa.

Umezawa discloses a handy type video telephone equipment for receiving and transmitting a voice signal and a video signal (abstract).

Since Yamamoto and Umezawa's system are in the same field of endeavor, it would have been obvious to one of ordinary skill in the art to include video signal; thus, a user of the phone can receive not only voice signal, but also the user can receive a video signal (as taught by Umezawa).

Consider claims 2 and 8. Yamamoto further teaches means for accepting the presented signals and for amplifying the accepted signals a fixed amount (item 19 is not a variable gain amplifier).

Consider claims 3 and 9. Yamamoto further teaches item 19 is a low frequency amplifier.

Consider claims 4 and 10. Yamamoto further discloses the detecting and amplification means is a variable gain amplifier (VGA) (fig. 1, item 16).

Consider claims 5 and 11. Yamamoto discloses means for accepting means further removing certain unwanted frequencies (col. 4, lines 1-20).

Consider claims 6 and 12. Yamamoto further discloses the amplification is the maximum level acceptable as an input to the processing means to avoid distortion of the signal (col. 4, lines 1-20).

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3. Claims 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Kaschke.

Consider claims 13 and 18. Yamamoto discloses (fig. 1) a circuit for processing radio frequency (RF) signals having:

an input to the circuit for receiving an RF signal (12);

a mixer having an input connected to the RF signal input (connection between items 12 and 14);

a first filter having an input connected to an out put of the mixer (connection between items 14 and 15);

a first amplifier having an input connected an output of the first filter (connection between 15 and 16);

a second filter having one input connected to an output of the first amplifier (connection between 16 and 17); and

a second amplifier having an input connected to the out of the second filter (connection between 17 and 19), and the output connected to an output of the circuit (connection between 19 and 20).

Yamamoto does not explicitly show the mixer, first and second filters and first and second amplifiers are constructed on a single integrated substrate. However, putting the electrical components on a single integrated substrate circuit is very well-known in the art; and also, it is an obvious choice of design as evidenced by Kaschke (col. 3, lines 28-35).

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Kaschke discloses a radio telephone wherein the electrical components are constructed on a single integrated substrate. Hence, it would have been obvious to one of ordinary skill in the art to have the components on a single integrated substrate in order to reduce size, weight, or components.

Consider claims 14 and 19. Yamamoto discloses the first filter is a band-pass filter and variable gain amplifier (VGA). Yamamoto does not disclose the first filter is a low-pass filter. However, using a low-pass filter instead of a band-pass filter is a design preference as it is well established that the low-pass filter generally possess all of the same characteristics of band-pass filter. Therefore, it would have been obvious to one of ordinary skill in the art to use low-pass filter since low-pass filter is cost less than band-pass filter.

Consider claim 15. Yamamoto further discloses the first amplifier means is a variable gain amplifier VGA (fig. 1, item 16).

Consider claims 16 and 20. Yamamoto further recites the second filter means is an intermediate frequency, band-pass filter (fig. 1, item 17).

Consider claims 17 and 21. Yamamoto further discloses the second amplifier means is an fixed gain amplifier FGA (fig. 1, item 19 is not a variable gain amplifier).

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Response to Arguments

4. Applicant's arguments with respect to claims 13-21 have been considered but are moot in view of the new ground(s) of rejection.

5. In the remarks, the applicant argued in substance:

(A) "The Examiner has rejected claims 14 and 19... In the rejection of claims 14 and 19, the Examiner state that "using a lower-pass filter instead of a band-pass filter is a design preference as it is well established that the low-pass filter generally possess all of the same characteristics of band-pass filter"... the Examiner provide a prior art reference which supports the proposition that a low-pass filter is equivalent to a band-pass filter..." (PP. 6-7 of the applicant's argument)

In response to the argument (A), the examiner provided an evidence wherein a lower pass filter posses all of the same characteristics of band-pass filter, according to "the new IEEE standard Dictionary of Electrical and Electronic Terms", "low-pass filter-A filter having a single transmission band" and " band-pass filter a wave filter that has a single transmission band"(PP. 90 and 500). Since applicant does not explicitly claimed what type of transmission band is passing through the low-pass filter, the examiner concluded that using a lower-pass filter instead of a band-pass filter is a design preference as it is well established that the low-pass filter generally possess all of the same characteristics of band-pass filter. Nevertheless, the applicant discloses in

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the background of the invention that using a lower-pass filter for filter signal is well-known in the art.

(B) "The Examiner has rejected claims 1-12...The Umezawa reference discloses five physical... The Umezawa disclosure contains no discussion of a circuit...35 U.S.C. 112, paragraph six, states that a "means for" claim element is "constructed to cover the corresponding structure, material, or acts... This disclosure is clearly insufficient to teach any form of video or visual communications signal processing, except perhaps to show the concept that some form of visual signal processing is possible within the realm of mobile telecommunications.

M.P.E.P 2143.01 requires that there be some suggestion or motivation to combine prior art reference s in order to establish obviousness. There is no motivation to combine the non-enabling Umezawa disclosure with other references ..." (PP. 7-8 of the applicant's argument).

In response to the argument, the examiner disagrees with the applicant argument because Umezawa clearly discloses a video telephone equipment, comprising signal processing means (which construed to cover the corresponding acts) permitting at least either of a vocal communication and a visual communication (col. 2, line 65 to col. 3, line 1); therefore, one of ordinary skills in the art can see that the circuit or the processor which processes the visual signal. Since Umezawa teaches that a handy type telephone can provide signal processing means for processing a visual communication, it would have been obvious to one of ordinary skill in the art

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to include video signal; thus, a user of the phone can receive not only voice signal, but also the user can receive a video signal, as taught by Umezawa.

“(C) M.P.E.P. 2143.03 requires that all claim limitations must be taught or suggested by the prior art ... The Yamamoto and Umezawa references not only fail to teach or suggest a monolithic or integrated circuit, as discussed above, but they also fail to teach or suggest any form of video ... This follows since it is well known that mobile telephone system channels have a narrow bandwidth, on the order of 25 kHz, and may carry one or more multiplexed audio signals. On the other hand, video signals, such as television signals, have a broader bandwidth, on the order of 6 MHz, and contain distinct, concurrent components, such as a color carrier and an audio carrier. (PP. 8-9 of the applicant’s argument).

In response to the argument, the applicant shows novelty by stating that Yamamoto and Umezawa references fail to teach or suggest a monolithic or integrated circuit. However, Millman discloses “the term monolithic is derived from the Greek words monos (meaning ‘single’) and lithos (meaning ‘stone’). Thus a monolithic integrated circuit is built into a single ‘stone’ or single crystal of silicon.” (P. 172), and according to “the new IEEE Standard Dictionary of Electrical and Electronics Terms”, “substrate” means “The supporting material upon or within which an integrated circuit is fabricated or to which an integrated circuit is attached (p. 1306); therefore, the claimed limitations, “a monolithic circuit or a single substrate”, have very little patentable weight, and it is also very known in the art as evidenced by Kaschke (col. 3, lines 28-35).

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In addition, the applicant shows the difference between narrow bandwidth or broader bandwidth, and states that nothing in the Yamamoto or Umezawa references teaches or suggests that a receiver for a mobile telephone can be used to receive video signals. However, the limitation such as "That mobile telephone system channels have a narrow bandwidth... on the order of 6 MHZ...such as color carrier and an audio carrier..."; nevertheless, these limitations are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the broadest claimed limitations are read on the combination.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

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7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:


(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay Maung whose telephone number is (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

N. Maung 
February 27, 1998


DWAYNE D. BOST
SUPERVISORY PATENT EXAMINER
GROUP 2700